

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 7519/07
Date Purchased: 2/8/07

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MELANIE M. COLON,

SUMMONS

Plaintiff(s),

Plaintiff designates Bronx
County as the place of trial.

-against-

BERNARDIN GUTIERR BERNABE and
SALEM TRUCK LEASING, INC. and
PIGTAINER INC.,

The basis of venue is:
Plaintiff's Residence

Defendant(s),

Plaintiff resides at:
1425 Leland Avenue
Bronx, New York 10460

-----X County of Bronx

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: BRONX, NY
February 7, 2007



THOMAS J. LAVIN, ESQ.
THE LAW OFFICE OF THOMAS J. LAVIN
Attorneys for Plaintiff(s)
MELANIE COLON
2980 Bruckner Boulevard
Bronx, NY 10465
(718) 829-7400

Our File No. 02-275

TO: BERNARDIN GUTIERR BERNABE
223 Hope Avenue
Passaic, New Jersey 07055

BERNARDIN GUTIERR BERNABE
234 President Street, 1st Floor
Passaic, New Jersey 07055

SALEM TRUCK LEASING INC.
191 Cabot Street
West Babylon, New York 11704

SALEM TRUCK LEASING INC.
9505 Avenue D
Brooklyn, New York 11236

PIGTAINER INC.
1106 Randall Avenue
Bronx, New York 10474-6216

PIGTAINER INC.
340 S Stiles Street
Linden, New Jersey 07036-4404

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

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MELANIE M. COLON,

VERIFIED COMPLAINT

Plaintiff(s),

-against-

BERNARDIN GUTIERR BERNABE and
SALEM TRUCK LEASING, INC. and
PIGTAINER INC.,

Defendant(s),

-----X

Plaintiff, by her attorneys, **THE LAW OFFICE OF THOMAS J. LAVIN**, complaining
of the Defendants, respectfully alleges, upon information and belief:

1. At all times herein mentioned, Plaintiff **MELANIE M. COLON** was, and still is,
a resident of the County of Bronx, State of New York.

2. At all times herein mentioned, Defendant **SALEM TRUCK LEASING INC.** was,
and still is, a domestic business corporation, duly organized and existing under and by virtue of
the laws and the State of New York.

3. At all times herein mentioned, Defendant **BERNARDIN GUTIERR BERNABE**
was, and still is, a resident of the County of Passaic, State of New Jersey.

4. At all times herein mentioned, Defendant **SALEM TRUCK LEASING INC.**
maintained a principle place of business in the County of Kings, State of New York, more
specifically at 9505 Avenue D, Brooklyn, New York.

5. At all times herein mentioned, Defendant **SALEM TRUCK LEASING INC.** was and still is duly authorized to conduct business in the State of New York.

6. At all times herein mentioned, Defendant **PIGTAINER INC.** was, and still is, a domestic business corporation, duly organized and existing under and by virtue of the laws and the State of New York.

7. At all times herein mentioned, Defendant **PIGTAINER INC.** was, and still is duly authorized to do business in the State of New York.

8. At all times herein mentioned, Defendant **PIGTAINER INC.** maintained a principle place of business in the County of Union, State of New Jersey.

9. At all times herein mentioned, Defendant **SALEM TRUCK LEASING INC.** was the owner of a 2005 Tractor Trailer vehicle bearing New York State registration number 52512PA.

10. At all times herein mentioned, Defendant **BERNARDIN GUTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle bearing New York State registration number 52512PA.

11. At all times herein mentioned, Defendant **BERNARDIN GUTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle bearing license plate number 52512PA, within the scope of his employment with the Defendant **SALEM TRUCK LEASING INC.**

12. At all times herein mentioned, Defendant **PIGTAINER INC.** maintained a contract with Defendant **SALEM TRUCK LEASING INC.** relating to the aforementioned Tractor Trailer vehicle bearing New York State registration number 52512PA.

13. At all times herein mentioned, Defendant **PIGTAINER INC.** leased the aforementioned Tractor Trailer vehicle bearing New York State registration number 52512PA from Defendant **SALEM TRUCK LEASING INC.**

14. At all times herein mentioned, Defendant **BERNARDIN GUTTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle with the permission of the owner Defendant **SALEM TRUCK LEASING INC.**

15. At all times herein mentioned, Defendant **BERNARDIN GUTTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle with the permission of the owner Defendant, **PIGTAINER INC.**

16. At all times herein mentioned, Defendant **BERNARDIN GUTTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle with the knowledge of the owner, Defendant **SALEM TRUCK LEASING INC.**

17. At all times herein mentioned, Defendant **BERNARDIN GUTTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle with the knowledge of the owner, Defendant , **PIGTAINER INC.**

18. At all times herein mentioned, Defendant **BERNARDIN GUTTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle with the consent of the owner, Defendant **SALEM TRUCK LEASING INC.**

19. At all times herein mentioned, Defendant **BERNARDIN GUTTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle with the consent of the owner, Defendant, **PIGTAINER INC.**

20. At all times herein mentioned, Defendant **SALEM TRUCK LEASING INC.** maintained the aforementioned Tractor Trailer vehicle.

21. At all times herein mentioned, Defendant **PIGTAINER INC.** maintained the aforementioned Tractor Trailer vehicle.

22. At all times herein mentioned, Defendant **BERNARDIN GUTIERR BERNABE** managed the aforementioned Tractor Trailer vehicle.

23. At all times herein mentioned, Defendant **BERNARDIN GUTIERR BERNABE** controlled the aforementioned Tractor Trailer vehicle.

24. At all times herein mentioned, Defendant **BERNARDIN GUTIERR BERNABE** operated the aforementioned Tractor Trailer vehicle in the scope of his employment with **PIGTAINER INC.**

25. At all times herein mentioned, Plaintiff **MELANIE M. COLON** was the owner and operator of a 1992 Toyota motor vehicle bearing New York State registration number AZT7655.

26. At all times herein mentioned, the Cross Bronx Expressway and Ellis Avenue entrance ramp, in the County of Bronx, State of New York, were public roadways, streets and/or thoroughfares.

27. That on September 7, 2006, Defendant **BERNARDIN GUTIERR BERNABE** was operating the Tractor Trailer vehicle owned by **SALEM TRUCK LEASING INC.**, and leased to **PIGTAINER INC.** at the aforementioned location.

28. That on September 7, 2006, Plaintiff **MELANIE M. COLON** was operating her motor vehicle at the aforementioned location.

29. That on September 7, 2006, at the aforementioned location, the Tractor Trailer vehicle owned by Defendant **SALEM TRUCK LEASING INC.** leased to Defendant **PIGTAINER INC.** and operated by Defendant **BERNARDIN GUTIERREZ BERNABE** came into contact with the motor vehicle owned and operated by Plaintiff **MELANIE M. COLON**.

30. That as a result of the aforesaid contact, Plaintiff **MELANIE M. COLON** was injured.

31. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.

32. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

33. That by reason of the foregoing, Plaintiff **MELANIE M. COLON** sustained severe and permanent personal injuries; and Plaintiff **MELANIE M. COLON** was otherwise damaged.

34. That Plaintiff **MELANIE M. COLON** sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

35. That Plaintiff **MELANIE M. COLON** sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

36. That Plaintiff **MELANIE M. COLON** is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking only to recover those damages not recoverable through no-fault insurance under the facts and circumstances in this action.

37. That this action falls within one or more of the exceptions set forth in CPLR §1602.

38. That by reason of the foregoing, Plaintiff **MELANIE M. COLON** has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, Plaintiff **MELANIE M. COLON** demands judgment against the Defendants in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, and requests full and fair monetary compensation for pain and suffering to be determined by a jury at the time of Trial, together with the cost and disbursements of this action.

Dated: Bronx, NY
February 7, 2007

Yours, etc.



THOMAS J. LAVIN, ESQ.
THE LAW OFFICE OF THOMAS J. LAVIN
Attorneys for Plaintiff(s)
MELANIE M. COLON
2980 Bruckner Boulevard
Bronx, NY 10465
(718) 829-7400

Our File No. 02-275

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
COUNTY OF BRONX) ss:

That deponent has read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and knows the contents thereof, that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes them to be true.

Deponent further says that the source of deponent's information and the grounds of deponent's belief as to all matters not stated upon deponent's knowledge are from investigations made on behalf of said Plaintiff.

Sworn to before me on
February 7, 2007

NOTARY PUBLIC

THOMAS J. LAVIN
Notary Public, State of New York
No. 03-5002952
Qualified in Bronx County
Commission Expires October 13, 2010

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
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Plaintiff(s),

-against-

BERNABE GUTIERREZ BERNADIN and
SALEM TRUCK LEASING, INC. and
PIGTAINER INC.,

Defendant(s),

-----X

SUMMONS AND VERIFIED COMPLAINT

THE LAW OFFICE OF THOMAS J. LAVIN

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2980 Bruckner Boulevard
Bronx, NY 10465
(718)829-7400

TO: